

(As of February 20, 2001)

Section 3-105. Vacancy in Office --

A vacancy in the office of any councilmember shall be filled in the following manner:

(a) If the unexpired term is less than one year, the remaining members of the council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a regular meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill any vacancy within thirty days after its occurrence, the mayor shall appoint a successor to fill the vacancy for the unexpired term.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election to be called by the council within ten days and to be held within sixty days after the occurrence of the vacancy. At such time, the electors of the district shall elect a successor to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election.⁵

(Reso. 83-357)

⁵Use of term "successor" bars councilman whose recall or resignation created the vacancy from running in election to succeed himself. Mink v. Pua, 68 Haw. 263, 711 P.2d 723 (1985); Republican Party of Hawaii v. Mink, 476 U.S. 1101, 106 S. Ct. 1942, 90 L. Ed. 2d 352 (1986).